

Could EPA please answer the following: EPA R4 DRAFT responses, below.

1. Has an extension been granted for the review of the ROD for the EMDF on the Oak Ridge Reserve?

The Department of Energy submitted the first draft ("D1") Record of Decision (ROD) for the Environmental Management Disposal Facility (EMDF) - Oak Ridge Reservation to EPA for review and comment on July 12, 2021. On August 16, 2021, EPA notified DOE that it was exercising its option for a 30-day extension to the comment period on the EMDF D1 ROD and thereby extending the comment period to October 11, 2021.

2. Please explain what information gaps exist that would need to be filled in order to finalize the ROD from the EPA's standpoint.

EPA is currently reviewing the draft ROD and working on comments to DOE that will need to be addressed in the next draft version. Per the extension, EPA has until October 11 to provide DOE with our comments. DOE is required to address EPA's comments before the ROD can be reviewed for approval.

- a. Did you get all the needed information to meet the deadline?

See response to Question #2 above.

- b. If not, what remedies exist for you to get this information and reach a decision?

See response to Question #2 above.

3. What remediation goals and waste acceptance criteria exist?

The waste acceptance criteria are under development and will be incorporated into the final ROD. Remedial goals for non-radiological chemicals in surface water include state and federal Clean Water Act (CWA) Ambient Water Quality Criteria (AWQCs). There are no CWA AWQCs for radionuclides. Site-specific remediation goals for radionuclides in Bear Creek are currently under development and will also be included in the ROD. The site-specific remediation goals for radionuclides in Bear Creek will be based on the Tennessee Department of Environment and Conservation's (TDEC) recreational use designation of the water body.

4. What is the reason for the DOE's issuance of a draft ROD without remediation goals and waste acceptance criteria?

Please contact DOE for a response to this question.

5. What is the reason for issuing an ROD before the feasibility study is complete?

The EPA Administrator's decision (December 31, 2020) regarding the landfill wastewater formal dispute, allows for concurrent development of the revised focused feasibility study and draft ROD.

6. In the ROD the DOE repeatedly cites an open public comment period for community involvement. That period appears to have been open before the ROD, waste acceptance criteria or final feasibility study were complete. What's the point of doing that before those things are complete?

A December 7, 2017 dispute resolution agreement between DOE, EPA and TDEC allowed for issuance of the Proposed Plan. The Proposed Plan was issued for public comment on September 10, 2018. Discussions with DOE regarding public engagement are ongoing.

7. Is the EPA administrator reconsidering the Wheeler decision on applicable water quality rules to the EMWF/Oak Ridge reserve? If so, when can we expect to hear from the administrator?

EPA is currently reviewing former EPA Administrator Wheeler's Decision (dated December 31, 2020) in accordance with Executive Order 13990 issued on January 22, 2021. EPA is also reviewing the Decision in the context of Executive Orders 14008 and 13985, which directs federal agencies to promote and work towards proactively achieving environmental justice. The Administrator has not provided a date for the review to be completed.

8. This process has been ongoing since 2012 or earlier. Is it typical for a CERCLA process to take this long? Is it typical for CERCLA to include an on-site landfill?

The CERCLA process starts with site discovery, initial assessments, listing on the National Priorities List (NPL), remedial investigations, risk assessments, feasibility studies, RODs, remedial action (cleanup), operations and maintenance, and eventually deleting a site from the National Priorities List. Durations of remedial investigations and feasibility studies, which end with a ROD do vary. Some CERCLA remedies include on-site disposal or on-site containment of contaminated media.